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ABSTRACT

It can hardly be said that there have been any dramatic results of affirmative action affecting the situation of minorities and women in higher education institutions. The pervasive institutional attitude toward affirmative action ranges from neutral to negative, and is the major barrier to ending discrimination. Other barriers are preemployment practices (especially inadequate on-campus job advertising), employment practices, undergraduate and graduate admissions, and public accountability. The issue has become rather complicated. Some progress has been made, but the solution to the problems is not nearly in sight. (Author/MSE)

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AFFIRMATIVE ACTION IN HIGHER EDUCATION

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Some General Observations

It is not going to be easier to judge the success or failure of affirmative action than it has been to evaluate the effect of compensatory education. First of all much depends on from what perspective affirmative action is viewed. The results of affirmative action may be judged from the standpoint that it was instituted following a series of anti-discrimination laws and a change of public opinion. On the other hand it might be argued that affirmative action was necessary to help give force to the laws.

It can hardly be said that there has been any dramatic results of affirmative action affecting the situation regarding minorities and women in institutions of higher education. In 1975 the Illinois State Board of Higher Education issued a report on Affirmative Action. It was not very encouraging. The report covered the Chicago State University, Eastern Illinois University, Governors State University, Northeastern Illinois University and Western Illinois University. The Committee on Affirmative Action reported that "affirmative action in higher education has not received the attention and priority it should receive."[1/] The report continued: "Minorities and women are underrepresented and underutilized on most if not all of Illinois higher education....Within fields they are totally absent in some fields and disciplines."[2/] The report touched on the very important question of time in developing affirmative action programs," stressing the need for "short range opportunities to end inequities."[3/]

It was the question of time too, which was figured prominently in an article by Isabel Marcus Pritchard in 1975: "It's Action, But Is It Affirmative?" She

1/ Bell, D.E. and Others, Report of the Master Plan Committee on Affirmative Action for the Illinois Board of Higher Education, 1975, p. 6.
2/ Ibid.
3/ Ibid.

showed how "a small department, such as Scandinavian, with six professors, all but one of them with tenure, and the oldest member in his 50's may require 17 years to hire a woman as an assistant professor."[4] The author further painted a very sombre picture:

> If one adds up all the departmental goals, 31 departments, would over the next 30 years, be required to hire a total of 95.71 women; one department--social welfare--needs to hire 1.38 black faculty members....It is as if an elephant after prolonged gestation and prodigious labor had given birth to a mouse.[5]

No brighter picture was painted by Cheryl M. Fields who evaluated affirmative action in 1974:

> Four years later it is clear that neither the Federal government's legal authority nor the concerted efforts of women's groups have served to change dramatically the composition of faculties and staffs at colleges and universities.[6] The author continued to express concern that overall, the general feeling among leading women, affirmative action officials and some administrators was that affirmative action was not working, and that it was not producing substantially greater hiring, retention, and promotion of women and minorities.

4/ New York Times, May 11, 1975, Sunday Magazine Section, p. 30.
5/ Ibid., p. 24.
6/ Cheryl M. Fields, "Affirmative Action, 4 Years Later," The Chronicle of Higher Education, August 5, 1975, p. 1.

However according to Cheryl Fields, all was not lost. Some gains were made. In 1974, Stanford University reported that about one-fifth of its new faculty appointment went to women in 1973. More than four-fifths of all persons hired at the university at the time were either women or members of minority groups. About 23 percent of the faculty appointments at the Madison campus of the University of Wisconsin went to women in 1974. It is true that the author insisted that in general the American Council on Education 1973 survey had revealed that there had been no substantial change. The number of women in U.S. faculties had increased less than one percent, from 19.1 to 20 percent from 1968-69 to 1973. Minority group faculty members increased from 2.2 to 2.9 percent for the same period.

The current status of affirmative action is not very optimistic; according to the Illinois Board of Higher Education Report:

> Only if institutions re-order priorities, work at changing attitudes and use differently the dollars they are committing to Affirmative Action related efforts will we see any significant movement toward equity in employment opportunities for all persons of potential. 7/

Indeed attitudes are the major barrier to ending discrimination and advancing affirmative action. The pervasive institutional attitude toward affirmative action ranges between neutral and negative. Other barriers to affirmative action include pre-employment practices, employment practices, student enrollment, and public accountability.

7/ Report of the Committee on Affirmative Action, by D.E. Bell, p. 12.

Pre-employment practices that have acted as barriers to affirmative action include inadequate on-campus jobs advertising. Administrators have named three circumstances that have stood in the way of affirmative action efforts in this regard: the limited pool of qualified minorities and women, a declining rate of job turnover and of newly created positions, and budgetary constraints. Another example of pre-employment practice is job-stereotyping which is a way of assuming that certain types of jobs are primarily for specific groups of people. Accordingly, minorities tend to be clustered in the lower categories of jobs. Lack of written policies and procedures or the ignoring of those that exist for recruiting and hiring of minorities also constitutes another barrier.

The Committee on Affirmative Action was also very critical of employment practices which have also been a barrier to progress:

> Minorities and women are underrepresented and underutilized....They are underrepresented at both faculty and administrative levels. Within faculities they are totally absent in some fields and disciplines. Those that are in faculty and administrative positions are concentrated in the lower ranks and hold the lesser titles.[8/]

Promotion practices have also stood in the way of affirmative action efforts. The report charged that minorities and women experience promotion inequities:

> Minorities and women are being told by institutions that they must have the terminal

8/ Ibid, p. 34.

> degree and prior administrative experience to qualify for even the lowest entry-level administrative positions. With institutions holding such expectations where are women and minorities to acquire the necessary experience?[9/]

But there are some encouraging signs. At the University of California some departments have taken new steps to advertise faculty vacancies in journals read widely by women and minorities. On the Berkeley campus in 1973 women filled thirteen of the forty-eight vacancies, or 27 percent, at the assistant professor level where all but a few of the total vacancies occurred. Affirmative action goals for academic appointments in the Fall of 1974 at the Santa Cruz campus of the University of California were set at eleven appointments for women and six for minorities. Of the thirty-five new Fall appointees on that campus, there were four minority women, ten caucasian women and six minority men, totalling twenty appointees who are women or minorities or both.[10/]

Progress in the staff area has also been reported at the University of California, Berkeley. In 1974 minorities comprised roughly 30 to 35 of all staff employees at the UCLA Berkeley campus and the San Francisco campus. But caution should be exercised in reading these figures which demonstrate that progress has been made in recruiting minority group members for University employment.

Institutional Responsibility

One of the drawbacks to the success of affirmative action is the lack of adequate pools of qualified minorities and women from which institutions can

9/ Ibid., p. 33.
10/ Lucy Sells (ed.), New Directions for Institutional Research Toward Affirmative Action (San Francisco: Jossey-Bass Inc., 1974), p. 56.

draw applicants for academic positions. This then is one of the big challenges to affirmative action programs. Institutions need to heighten efforts to recruit and retain minorities and women for graduate level study in fields where they have always been under-represented. Institutional rules and informal policies concerning admissions, degree and residency requirements should be revised to accommodate those whose economic conditions make it necessary for them to study part time. Strong affirmative action needs to be taken to abandon all rules and informal policies that in effect discriminate against aspirants to graduate or professional study on the basis of race, sex or marital status.

Charles E. Odegaard has recently completed a study entitled Minorities in Medicine. The opening statement of Chapter 4 is not very encouraging as far as the efficacy of affirmative action programs in higher education is concerned:

> The slowdown in increases in the number of first-year minority medical students beginning in 1972-73, and the decrease in their numbers in the 1975-76 entering class are very distrubing to those who have advocated the replacement of the earlier stance of receptive passivity with one of positive action by medical schools. Since they do not see the desired goal yet reached. 11/

11/ Charles Odegaard, Minorities in Medicine (New York: The Jariah Macy, Jr. Foundation, 1977), p. 43.

Since 1968, medical schools have experimented with a variety of positive or affirmative special programs aimed at attracting the interest of minority students, to admit them to medical school, to give them financial assistance, and to provide programs designed to meet the cultural, psychological and academic needs of students during their medical school years. These efforts soon came to be challenged, however, as being discriminatory against the white majority. Beginning in 1970-71 admissions committees were able to use the Medical Applicant Registry established by the AAMC. Through this means applicants were able to identify their ethnic or racial origin in the applicant record, in order that the medical schools could readily identify most minority applicants. This led to a separate consideration for minority students.

But preferential admissions policies soon brought cries of "reverse discrimination." Marco DeFunis who was denied admission to the University of Washington School of Law in 1970 and again in 1971 protested through an attorney to university authorities. The outcome, however, was that in 1973, the Washington Supreme Court upheld the university's preferential admissions policy for minorities. In August 1974 a Superior Court judge in Indiana upheld the university's "minority consideration program" in the case of Gary vs. the Indiana University School of Medicine.

The decision of a Superior Court judge in the 1974 case of Bakke vs. Regents of the University of California proved a set-back to the special minority admissions policy. The judge ruled that the university's programs to increase minority enrollment in medical education was racially discriminating. However, in 1976, the New York Court of Appeals in the case of Alevy vs. Downstate Medical Center of the State of New York, rendered an opinion that contradicted that of

the California Supreme Court, although it insisted that it must be shown that a substantial state interest underlies the preferential treatment policy.

Affirmative Action in higher education has become a rather complicated issue. J. Stanley Pottinger made reference to some of the cloudy issues in a speech delivered on November 5, 1976 to the ABA National Institute on the Law of EEO and Discrimination in Institutions of Higher Education. Pottinger relates how a university president will turn to a member of his staff and say "Get me a black woman with a Spanish-surname who has an Indian in her family, and make sure that she runs the equal employment opportunity program. We will have a big announcement about it, and make sure she gets some coverage by the college newspaper and then don't bother me until next year."[12/] This kind of procedure is bound to lead to a breakdown or failure of the equal opportunity process.

Another problem has to do with the question of merit. J. Stanley Pottinger also recounts instances of wrongful blames in the direction of reverse discrimination. Usually, the university employers making decisions choose minority males or women because merit prevailed and because the capabilities were there. But if there is a white male who lacks the qualifications, the university, instead of delivering that news quite candidly and honestly to the applicant, will say something like this: "Gee, we would love to have had you, you look terrific, you have all the qualifications, you've been in the business a long time, but you know those bureaucrats at HEW, EEOC, and the Government they are making us take these women and minorities. We are really sorry."[13/]

12/ ERIC, Ed. 132, 904, p. 9.
13/ Ibid., p. 8.

One of the arguments used by institutions of higher education in their slow response to affirmative action measures is that the pool of candidates for women and minorities is not large enough. In this connection the Carnegie Council on Policy Studies in Higher Education has noted:

> Since good evidence exists to support the claim that overwhelmingly there has been an initial skewing of the candidate pool in traditional search and recruitment procedures, it may reasonably be argued that equity itself now requires a certain "preference" whose effects are compensatory in the special sense that more attention and care shall be paid where little or none was paid before.[14/]

The Council continued to give strong support to such a course of action:

> And this is not to the special advantage of women or blacks,...but for the equalization of their opportunity, in the face of prior disadvantage. Such preference and compensation does not discriminate against majority candidates, but puts them on an equal footing for the first time.

A few institutions voluntarily decided to go the extra mile to accommodate women and minorities. The Council further notes:

> In a relatively small minority of universities, the plans either explicitly state or imply that

14/ Carnegie Council on Policy Studies, op.cit., p. 258.

> women and minority candidates be considered additionally qualified by virtue of their sex, race or ethnic group.[15]

The Carnegie Council strongly urged positive, affirmative action on the part of the university:

> Most important, insofar as the university aspires to discover, preserve and transmit knowledge and experience not for one group or selected groups, but for all people, to that extent it must broaden its perception of who shall be responsible for this discovery, preservation and transmission. In so doing, it broadens the base for intellectual inquiry and lays the foundation of more human social practices.[16]

Signs of Progress

Notwithstanding the problems that have attended affirmative action in higher education, some progress has been made. Fairly significant additions of women and minority groups have been made to the faculty of the University of California at Berkeley in recent years:

> Among new hires to ladder-rank faculty (instructors, assistant professors, associate professors, and full

15/ Carnegie Council, op. cit., p. 81.
16/ Ibid., p. 254.

> professors) women accounted for 22 percent in 1972, 23 percent in 1973 and 21 percent in 1974....The corresponding percentages for minorities were 15, 12 and 15 in the three years, respectively....The rate of new hires is low because enrollment has been relatively stable for a number of years, and because 81 percent of the faculty members now have tenure. 17/

In an effort to help select promising minority students, the Association of American Medical Colleges (AAMC) became the focus of much discussion of noncognitive predictors that seemed particularly relevant in selecting minority applicants more likely to succeed in medical school. William E. Sedlacek notes eight personal qualities that research indicates are associated with black students who remain in school and college and who are more successful academically: (1) positive self-concept; (2) understands and deals with racism; (3) realistic self-appraisal; (4) prefers long-range goals to short-term or intermediate needs; (5) availability of a strong support person; (6) successful leadership experience; (7) demonstrated community service; and, (8) demonstrated medical (or other appropriate) interest. 18/

In 1976, the American Nurses' Association adopted resolutions calling for changes in the new order that affected accreditation standards and admission requirements for schools of nursing. The Association made it clear that it was not asking for a lowering of standards:

> In fact, we join everyone in their search for excellence of a different sort built into the admission standards and curricula.

17/ Carnegie Council on Policy Studies in Higher Education: Making Affirmative Action Work in Higher Education, (San Francisco: Jossey-Bass Publishers, 1975), p. 143.

18/ Ayres G. D'Costa, Philip Bashook, Paul Elliott, Roy Jarecky, Walter Leavell, Dario Prieto, and William Sedlacek, Simulated Minority Admissions Exercises: Participant's Workbook, (Washington: D.C.: Association of American Medical Colleges, 1974).

> For instance, we want a new brand of humanism to be in evidence, so women and men who are admitted into nursing should have knowledge of the culture and language of the people of color in the locale of the school. In other words, admission criteria, should include new and different sets of requirements.[19/]

The Association insisted that as a minimum requirement, "applicants should be able to substantiate their skills in working with ethnic people of color."[20/]

In 1974, the Western Council on Higher Education for Nursing passed a resolution that "all member schools and agencies immediately institute content, which acquaints students, staff and faculty with the distinct perspectives and health needs of the ethnic groups of color in their locale."[21/] The National League for Nursing Council of Baccalaureate and Higher Degree Programs also passed a resolution that the criteria for accreditation of all schools should include evidence of specific comparative curriculum content in theory and clinical practice pertaining to those minority groups who have traditionally been omitted or treated as deviants in nursing practice, i.e., American Indians, Blacks, Latinos, and Orientals."

In 1975, Marie Branch reported on the three-year (1971-74) project, "Facutly Development to meet Minority Group Needs: Recruitment, Retention and Curriculum Change, 1971-74." The project was intended to assist some Western Council on Higher Education for Nursing (WCHEN) schools in the development of programs in recruitment, retention and curriculum change, aimed at increasing minority

19/ Affirmative Action Task Force, (ANA), Affirmative Action: Toward Quality Nursing Care for a Multiracial Society, 1976, pp. 4 - 5.
20/ Ibid., p. 9.
21/ Ibid., p. 10.

participation in nursing education. The project was necessitated by underrepresentation of minorities in nursing schools, severe minority dropout problems, and the lack of curriculum content that prepares graduates for practice with culturally diverse groups. "The project has promoted the cause for inclusion of ethnic minorities within the Western Interstate Commission on Higher Education."[22/]

Recruitment efforts aimed at increasing minority participation in nursing higher education included: (1) contacts with students, teachers, and counselors in secondary schools where Black, Chicano, and Indian students are located; (2) coordination of recruitment efforts with already established groups for ethnic inclusion; and, (3) identification of ethnic prenursing students already enrolled on the college campus but not known to the faculty of the school of nursing.[23/] Some of the results of these efforts are: (1) increased rates for retention, successful graduation, and licensure of students; (2) inclusion in the curricula of basic information regarding the ethnic groups of color.

Affirmative action has also had a positive effect on the educational attainment of women. According to Cecelia H. Foxley, "By 1974, the distribution of the female work force in the United States by educational attainment had just about equaled that of the male labor force."[24/] Law, which is historically a predominantly male profession, has experienced a remarkable increase in women students. Of the student enrollments in 1960, 1970 and 1972, women represented 4 percent, 10 percent and 13 percent respectively. In 1973, the percentage of women in first-year enrollments had increased to 16, and by 1974 to 22 percent. Current

22/ Marie Branch, "Faculty Development to Meet Minority Group Needs: Recruitment, Retention and Curriculum Change, 1971-74. Final Report, 1975, p. 16.
23/ Ibid., p. 18.
24/ Cecelia Foxley, Locating, Recruiting and Employing Women: An Equal Opportunity Approach, (Garrett Park, Md.: Garrett Park Press, 1976), p. 45.

statistics continue to indicate that there is a narrowing of the gap which favored more men completing degrees than women of the same ages. In fact by 1974 the median years of school completed by women in the labor force was 12.5, the same as for men.[25/]

But despite these elements of progress, the solution to the problem is not nearly in sight. In 1976, the Colorado State Advisory Committee to the U.S. Commission on Civil Rights investigated four areas where minorities had encountered difficulties in the past. The findings revealed continued severe underrepresentation of minorities and women in institutions of higher education. The report also noted the failure of schools to provide adequate education and acquisition of study skills at the lower academic levels which severely handicapped minority students preparing for medical schools.[26/]

Not only in medical schools but somewhat disappointing results have been experienced in law schools. William Levis reported in 1976 that despite special recruitment efforts to increase minority participation in law schools in Colorado, the lack of minority and female faculty and administrators had become a serious problem at the law schools.[27/] The other more important findings resulting from the study were:

1. Negative attitudes based on race and sex manifested by some faculty members at Colorado University and Denver University Law Schools are damaging to student performance.

25/ Ibid., p. 45.

26/ Muldrow, William and Others, "Access to the Medical Profession in Colorado by Minorities and Women, 1976.

27/ Levis, William and Others, "Access to the Legal Profession in Colorado by Minorities and Women), Denver: Colorado State Advisory Committee to the U.S. Commission on Civil Rights, 1976, p. 4.

2. The amount of financial aid available to minority students in law school is less than adequate and a severe handicap in some cases.[28/]

Minority and women students needed other positive steps to help them beside financial aid, and such steps were taken. In order that more minorities be recruited into the legal profession the Counsel of Legal Education was established. The Education Testing Service established the Minority Graduate Locater Service in 1972-73 to help seek out potential students from minority groups. This service does not include results of Graduate Record Examination. In 1970, Project 75, through the joint efforts of the National Medical Association, the American Medical Association, the Association of American Medical Colleges, and with an Equal Opportunity Grant, was established to help raise the proportion of black physicians in the nation to twelve percent of the total by 1975.

In 1969, the joint Committee on Health Problems in Education of the American Medical Association and the National Education Association endorsed the use of equivalency tests and proficiency examinations in order to provide a more systematic method of evaluating previous education and experience. This provided an opportunity for blacks and other minorities, as well as non-minorities who had served as medics or as allied health workers while in military service to receive some form of credit for their work, which would help them to enter the health professions. "Consequently, and as a result of accelerated drives to recruit black students who meet regular admission requirements, the actual

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28/ Ibid., p. 5.

number of blacks admitted to graduate and professional schools is increasing..." [29/] notes James E. Blackwell.

Those who have been committed to increasing minority enrollment in graduate and professional schools have endeavored to attack the problem from two fronts: they have attempted to identify talented minority students as early as junior high school in order to monitor their interest and ensure their adequate preparation; they have also developed special summer college programs and post-graduate remedial work to improve the preparation of minority college students. But the battle is far from being won.

29/ James E. Blackwell, "Access of Black Students to Graduate and Professional Schools." Southern Education Foundation, Atlanta, Georgia, 1975, p. 24.